

Jeff Carruth (TX SBN: 24001846)
WEYCER, KAPLAN, PULASKI & ZUBER, P.C.
3030 Matlock Rd. Suite 201
Arlington, Texas 76105
Telephone: (713) 341-1158
Fax: (866) 666-5322
E-mail: jcarruth@wkpz.com

PROPOSED ATTORNEYS FOR
TONY ALTON PENNINGTON
DEBTOR AND DEBTOR IN POSSESSION

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	CASE NO. 22-20025-RLJ-11
TONY ALTON PENNINGTON,	§	(Chapter 11)
	§	
Debtor.	§	

MOTION OF DEBTOR TO EXTEND AUTOMATIC STAY

TO THE HONORABLE ROBERT L. JONES, U.S. BANKRUPTCY JUDGE:

Tony Alton Pennington (“Debtor”) files this *Motion of Debtor to Extend Automatic Stay* (the “Motion”) and in support thereof would show to the Court the following.

1. On February 8, 2022, Debtor filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code, 11 U.S.C. §101 et seq (the “Code”) to commence the above-captioned Chapter 11 case (under Subchapter V).

2. Cause exists to extend the Code § 362(a) stay as to all creditors pursuant to and as provided under Code § 362(c)(3)(B).

3. Creditor(s) as to which the movant seeks to continue or impose the stay (LBR 4001(f)(3)(A)): All creditors.

4. Any and all prior bankruptcy filings by the debtor (LBR 4001(f)(3)(B)): Case No. 21-20198, Chapter 13, in this Court.

5. Whether more than one previous case pending within the preceding year (LBR 4001(f)(3)(C)): Yes, Case No. 21-20198, Chapter 13, in this Court.

6. Any previous case was dismissed within the preceding year after the debtor failed to perform any of the acts set forth in 11 U.S.C. § 362(c)(3)(C)(i)(II) (LBR 4001(f)(3)(D)): No / not applicable. The Debtor will be capable of filing and confirming a Subchapter V plan.

7. Substantial change in the financial or personal affairs of the Debtor (LBR 4001(f)(3)(E)): Not applicable. This pending Chapter 11 case was filed because the Debtor exceeded the Chapter 13 debt limits in the prior, recently dismissed Chapter 13 case.

8. Whether any creditor moved for relief from the automatic stay in a previous case and, if so, the disposition of that motion (LBR 4001(f)(3)(F)): No / not applicable.

9. Additional facts (LBR 4001(f)(3)(G)): Based upon the schedules and proofs of claims filed in the prior Chapter 13 case, this case is under the current debt limits set for Subchapter V cases.

10. Debtor reserves the right to amend and/or supplement this motion prior to the expiration of the objection deadline and/or prior to any hearing.

11. A proposed form of order accompanies this Motion and is incorporated by reference herein.

CONCLUSION AND PRAYER

WHEREFORE, Tony Alton Pennington, respectfully requests that the Court extend the automatic stay of Code §362(a) pursuant to and as provided under Code § 362(c)(3)(B). Debtor requests such other and further relief to which Debtor is entitled at law or in equity.

Dated: February 18, 2022

Respectfully submitted:

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ Jeff Carruth
JEFF CARRUTH (TX SBN:. 24001846)
3030 Matlock Rd., Suite 201
Arlington, Texas 76105
Telephone: (713) 341-1158
Fax: (866) 666-5322
E-mail: jcarruth@wkpz.com

PROPOSED ATTORNEYS FOR
TONY ALTON PENNINGTON
DEBTOR AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing was served on February 18, 2022 to all parties appearing in the attached address list (i.e. mailing matrix) obtained from the Court's PACER facility as attached below.

/s/ Jeff Carruth
JEFF CARRUTH

SERVICE LIST	Case No. 22-20025-RLJ-11	In re: Tony Alton Pennington					
Name	Address1	Address2	City	State	Zip	Email	Method of Service / Comment
Ally Financial	AIS Portfolio Services, LP	4515 N Santa Fe Ave. Dept. APS	Oklahoma City	OK	73110-7902		Regular mail
Ally Financial	Attn: Bankruptcy	PO Box 380901	Bloomington	MN	55438-0902		Regular mail
American Express National Bank	c/o Becket and Lee LLP	PO Box 3001	Malvern	PA	19355-0702		Regular mail
Amex	Correspondence/Bankruptcy	PO Box 981540	El Paso	TX	79998-1541		Regular mail
Attorney General	Texas Child Support SDU	PO Box 659791	San Antonio	TX	78265-9792		Regular mail
Blue Juniper Trust	Systems & Services Technologies, Inc.	4315 Pickett Road,	St. Joseph	MO	64503-1601		Regular mail
Capital One	Attn: Bankruptcy	PO Box 30285	Salt Lake City	UT	84130-0286		Regular mail
Davis Law Firm	1600 Lomas Blvd		Albuquerque	NM	87102-2713		Regular mail
Ford Motor Credit Corporation	PO BOX 62180		COLORADO SPRINGS	CO	80962-2182		Regular mail
Hopper Pump & Drilling	1002 Pine Hodge Rd		Roswell	NM	88201-9440		Regular mail
Internal Review Service	PO Box 7346		Philadelphia	PA	19101-7346		Regular mail
Lincoln Automotive Fin.	Attn: Bankruptcy	PO Box 542000	Omaha	NE	68154-8001		Regular mail
New Mexico Tax & Revenue Dept	1100 S St Francis Dr		Roswell	NM	88203		Regular mail
Rachel Pennington	3803 Lynette Dr		Amarillo	TX	79109-5637	[reserved]	Direct email
Terra Abellana	1890 County Road 1790		Sunset	TX	76270-5329		Mail
Terra Abellana	c/o Blackwell Law Fir, LLP	703 S. Van Buren	Amarillo	TX	79101-2236	legalbf@blackwellfirm.net	Direct email
Tony Alton Pennington	3803 Lynette Dr		Amarillo	TX	79109-5635	[reserved]	Direct email
United States Trustee	1100 Commerce Street	Room 976	Dallas	TX	75242-0997		ECF
	SubChapter V Trustee					TBD	TBD

PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE:	§	
	§	CASE NO. 22-20025-RLJ-11
TONY ALTON PENNINGTON,	§	(Chapter 11)
	§	
Debtor.	§	

**ORDER GRANTING MOTION OF DEBTOR TO EXTEND AUTOMATIC
STAY (RE: DOCKET NO. 3)**

On this day came on for consideration the *Motion of Debtor to Extend Automatic Stay* (Docket No. 3) (the “Motion”) filed herein on February 18, 2022 by Tony Alton Pennington, Debtor and Debtor in Possession (the “Debtor”). The Court finds and concludes that the Motion contained the appropriate notices under the Bankruptcy Local Rules; according to the certificate of service attached to the Motion, the Motion was served upon the parties entitled to receive notice under the Bankruptcy Local Rules; no party in interest filed a response or objection to the Motion or any such response or objection is overruled by this Order; and that upon review of the record of this case and with respect to the Motion that cause exists to grant the relief requested therein.

IT IS THEREFORE ORDERED THAT:

1. The Motion is granted as set forth herein.
2. All capitalized terms shall have the same meaning as ascribed to such terms in the Motion, unless otherwise defined herein.

3. The Code §362 automatic stay is hereby extended, within the meaning and/or as provided under Code pursuant to and as provided under Code § 362(c)(3)(B), as to all creditors.
4. Debtor shall serve this Order upon all creditors and parties in interest.

END OF ORDER